

1 BILL NO. S-87-06-09

2 SPECIAL ORDINANCE NO. S-158-87

3 AN ORDINANCE approving the Contract
4 for Res. 6091-87 - Drexel Avenue
5 from Anthony to Alexander, NIP
6 Bond Issue, Phase I, between Tomco
7 Construction Company, Inc., and
8 the City of Fort Wayne, Indiana,
9 in connection with the Board of
10 Public Works and Safety.


11 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
12 OF THE CITY OF FORT WAYNE, INDIANA:

13 SECTION 1. That the Contract for Res. 6091-87 - Drexel
14 Avenue from Anthony to Alexander, NIP Bond Issue, Phase I, by
15 and between Tomco Construction Company, Inc., and the City of
16 Fort Wayne, Indiana, in connection with the Board of Public Works
17 and Safety, for:

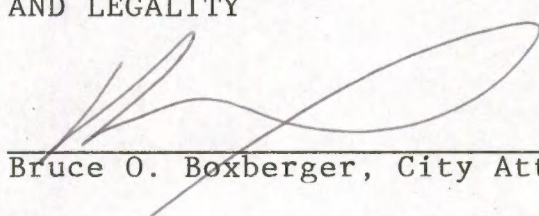
18 improvement of the following:
19 Drexel Avenue from the east curb
20 line of South Anthony Blvd. to
21 the west curb line of Alexander
22 Street by replacing partial curbs
23 and drive approaches;

24 the Contract price is Twenty-Five Thousand Five Hundred Sixty-Nine
25 and 60/100 Dollars (\$25,569.60), all as more particularly set
26 forth in said Contract, which is on file in the Office of the
27 Board of Public Works and Safety and, is by reference incorporated
28 herein, made a part hereof, and is hereby in all things ratified,
29 confirmed and approved. Two (2) copies of said Contract are
30 on file with the Office of the City Clerk and made available
31 for public inspection, according to law.

32 SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and any and all necessary
approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Talarico
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Public Works (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.

DATE: 6-9-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	<u>✓</u>	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 6-23-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. D-15887
on the 23rd day of June, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 24th day of June, 1987,
at the hour of 11:00 o'clock 11 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of June,
1987, at the hour of 9:00 o'clock 9 M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

TITLE OF ORDINANCE Contract for Res. 6091-87, Drexel Ave. from Anthony
to Alexander, Curbs & Drive Approaches
DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety
SYNOPSIS OF ORDINANCE The Contract for Res. 6091-87, NIP Bond Issue, Phase I,
is necessary to improve the following: Drexel Avenue from the
east curb line of South Anthony Blvd. to the west curb line of
Alexander Street by replacing partial curbs and drive approaches.
Tomco Construction Co., Inc. is the Contractor.

J-87-06-09

EFFECT OF PASSAGE Improvement of curbs and drive approaches at above
location.

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$25,569.60

ASSIGNED TO COMMITTEE

IMPROVEMENT RESOLUTION

NO. 6091-87

NIP BOND ISSUE PHASE I

RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA,

That it is deemed necessary to improve:

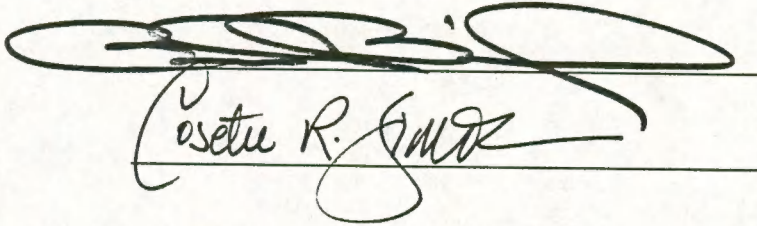
Drexel Avenue from the east curb line of South Anthony Blvd. to the west curb line of Alexander Street by replacing partial curbs and drive approaches.

All in accordance with the specifications on file in the office of the Department of Public Works and Safety of said City; and such improvement is now ordered.

It is hereby found by said Board of Public Works and Safety that all benefits accruing hereunder will be to the general public of the City of Fort Wayne and that no special benefits will accrue to any property owner adjoining said improvement or otherwise assessable under said improvement. The cost of said improvement shall be paid 100% by the City of Fort Wayne.

Adopted, this 6th day of May, 1986.

BOARD OF PUBLIC WORKS & SAFETY



Cosette R. Gault

ATTEST: Aileen Gochenauer
Secretary and Clerk

NOTICE OF AWARD

TO: TOMCO CONST. CO.
1034 Oakland St.
Ft. Wayne, IN 46808

PROJECT DESCRIPTION Res. 6091-87 - Drezel Avenue from Anthony to
Alexander - Funded NIP Bond Issue Phase I

The OWNER has considered the BID submitted by you for the above-described WORK, in response to its advertisement for bids dated _____

You are hereby notified that your BID has been accepted for items in the amount of \$ 25,569.60.

You are required to furnish Contractor's Performance and Guaranty Bond, Payment Bond and Certificate of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 3rd day of June, 1987.

CITY OF FORT WAYNE, MAYOR

OWNER
City of Fort Wayne

By [Signature]

COMPLIANCE _____

Title _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD
is hereby acknowledged by

Title _____

B I D

CONTRACTOR: TOMCO CONSTRUCTION CO., INC.

PROJ: DREXEL AVE. FROM ANTHONY TO ALEXANDER

RES. NO: 6091-87

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST (\$)	AMOUNT (\$)
1.	Curb Removal	1232	L.F.	2.00	2464.00
2.	New Curb Type II-B	850	L.F.	10.00	8500.00
3.	Concrete Removal	470	S.Y.	3.10	1457.00
4.	New Conc. Sidewalk & Yardwalk 4"	360	S.F.	2.40	864.00
5.	New Wingwalks & Ramps 6"	2712	S.F.	2.30	6237.60
6.	New Private Drive Approaches 6"	40	S.Y.	21.00	840.00
7.	New Alley Approaches 8"	85	S.Y.	24.00	2040.00
8.	Backfill Behind Curbs	40	TON	7.00	280.00
9.	Cast Adjusted to Grade	6	EA	50.00	300.00
10.	Catch Basin Type I-C	1	EA	1500.00	1500.00
11.	Asphalt Patching	850	L.F.	0.20	170.00
12.	Top Soil	35	TON	10.00	350.00
13.	Fine Grade, Seed & Mulch	567	S.Y.	1.00	567.00

TOTAL:

25,569.60

SHEET 1 OF 1

Note: Contractor will be paid on measured quantities only at unit price bid

In submitting this bid, it is understood, that the right is reserved by the Owner to reject any and all bids, and to waive any defect in any bid.

IN WITNESS WHEREOF, the bidder (a firm) by its owner(s) named below, hereunto set hand(s) and seal this _____ day of _____ 19____.

FIRM NAME _____

BY: _____

ADDRESS: _____

TELEPHONE: _____

IN TESTIMONY WHEREOF, the bidder (a corporation) has caused this proposal to be signed by its President and Secretary, and, affixed its corporate seal this 27 day of MAY, 1987.

TOMCO CONSTRUCTION CO., INC.

NAME OF CORPORATION

BY: THOMAS M. FISHERING
PRESIDENT

ADDRESS: 1034 OAKLAND ST.

FT. WAYNE IN 46808

TELEPHONE: 424-1280

ATTEST:

Jan M. Allen

NON-COLLUSION AFFIDAVIT

The Bidder, by its Officers and

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or, has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the lettering of the Contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person, whomsoever to influence the acceptance of the said bid or awarding of the Contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the Contract sought by this bid.

THOMAS M. FISHERING

Thomas M. Fisher

Subscribed and sworn to before me by THOMAS M. FISHERING

this 27 day of MAY, 1987.

My Commission Expires:

4-21-90

David M. Newell

DAVID M. NEWELL

NOTARY PUBLIC

Resident of Well County, IN

Subscribed and sworn to before me by

this ____ of ____, 19__.

My Commission Expires:

NOTARY PUBLIC

Resident of ____ County, IN

Subscribed and sworn to before me by

this ____ day of ____, 19__.

My Commission Expires:

NOTARY PUBLIC

Resident of ____ County, IN


CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

I, THOMAS M. FISHERING, the TOMCO CONSTRUCTION CO., INC.
Name Company
PRESIDENT
Position

HEREBY CERTIFY:

1. That the Financial Statement of said Company, dated the 31 day of JAN, 1987, now on file in the office of the Board of Public Works & Safety of the City of Fort Wayne, Indiana, which Financial Statement is by reference incorporated herein and made a part hereof, is a true and correct statement, and, accurately reflects the financial condition of said Company, as of the date hereof; and,
2. That I am familiar with the books of said Company, showing its financial condition and am authorized to make this Certificate on its behalf.

DATED 5-27-87


Signature THOMAS M. FISHER
PRESIDENT
Title _____

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said County and State, this 27 day of MAY, 19 87.

David M. Newell
DAVID M. NEWELL
NOTARY PUBLIC
Resident of Well County, IN

My Commission Expires:

4-21-90

MBE/WBE COMMITMENT FORM

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. _____ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).
- For MBE specify percentage of minority ownership ____%.
- For WBE specify percentage of women ownership ____%.
- B. _____ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm (cross out inapplicable provision) is a joint venture partner.
- The MBE/WBE firm (cross out inapplicable provision), shall have ____% participation (employees) ____% participation (costs) in this project.
- Specify the percentage of minority/women ownership in the MBE/WBE firm ____%. (Cross out inapplicable provision.)
- C. The undersigned commits 7% of the total bid price as a subcontract to minority business enterprise participation. The MBE firms, which are proposed as subcontractors, are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. Metropolitan		CATCH DRAIN
2.		
3.		

- D. The undersigned commits 2% of the total bid price as a subcontract to women business enterprise participation. The WBE firms, which are proposed as subcontractors are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. STATEWIDE TRUCKING		HAULING
2.		
3.		

E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: _____

2. We have taken the following steps in an attempt to comply with these participation goals: _____

(Attach additional sheets as necessary.)

Contractor TOMCO CONSTRUCTION CO., INC.

By

THOMAS M. FISHERING

THOMAS M. FISHERING

Its

PRESIDENT

Contractor _____

By _____

Its _____

"MINORITY/FEMALE HOURLY UTILIZATION"

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females, so that minorities and females will work at least 17% of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons: _____

_____.

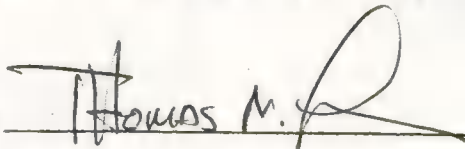
2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure: _____

_____.

(Attach additional sheets, if necessary.)

CONTRACTOR: TOMCO CONSTRUCTION CO., INC.

By: _____



Its: THOMAS M. FISHERING PRESIDENT

TOMCO CONSTRUCTION CO., INC.

It is the policy of _____ that
(Company)

equal employment opportunity be afforded to all qualified persons without regard to race, religion, color, sex, or national origin.

In support of this policy TOMCO CONSTRUCTION CO., INC. will not
(Company)

discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin.

The TOMCO CONSTRUCTION CO., INC. will take affirmative action
(Company)

to insure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, sex, or national origin. Such action will include but not be limited to:

RECRUITMENT, ADVERTISING OR SOLICITATION FOR EMPLOYMENT, HIRING, PLACEMENT, UPGRADING, TRANSFER OR DEMOTION, SELECTION FOR TRAINING INCLUDING APPRENTICESHIP, RATES OF PAY OR OTHER FORMS OF COMPENSATION, LAYOFFS OR TERMINATION.

TOMCO CONSTRUCTION CO., INC.

(Name of Company)


(Signature of Company Official)

THOMAS M. FISHERING

5-27-87

(Date)

STREET BARRICADE MAINTENANCE INFORMATION

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract.

NAME

TELEPHONE NUMBER

THOMAS M. FISHERING

493-1177

GARY WINEAR

749-8177

TOMCO CONSTRUCTION CO., INC.
Contractor

Resolution No. 6091-87



BID BOND

Approved by The American Institute of Architects,
A.I.A. Document No. A-310 (Feb. 1970 Edition)

KNOW ALL MEN BY THESE PRESENTS,

That we TOMCO CONSTRUCTION COMPANY, INC.

as Principal, hereinafter called the Principal,
and THE CONTINENTAL INSURANCE COMPANY

, of New York
a corporation duly organized under the laws of the State of New Hampshire, as Surety, hereinafter called the Surety, are held
and firmly bound unto City of Fort Wayne, Board of Public Works and Safety

, as Obligor, hereinafter called the Obligor,
in the sum of Five Per Cent (5%) of Maximum Bid Dollars
(\$-----), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind our-
selves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Res. 6091-87; Drexel Ave.

NOW, THEREFORE, if the Obligor shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligor
in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with
good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the
prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal
shall pay to the Obligor the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount
for which the Obligor may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be
null and void, otherwise to remain in full force and effect.

Signed and sealed this 27th day of May A. D. 19 87

TOMCO CONSTRUCTION COMPANY, INC. (Seal)
(Principal)

BY: Thomas M. J. [Signature] PRES. (Title)

[Signature]
(Witness)

YASTE, ZENT & RYE AGENCY, INC. THE CONTINENTAL INSURANCE COMPANY (Seal)
(Surety)

[Signature]
Attorney-in-Fact (Title)

Carol J. [Signature]
(Witness)

BILL NO. S-87-06-09

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the Contract

for Res. 6091-87 - Drexel Avenue from Anthony to Alexander, NIP

Bond Issue, Phase I, between Tomco Construction Company, Inc.,

and the City of Fort Wayne, Indiana, in connection with the Board

of Public Works and Safety

HAVE HAD SAID (ORDINANCE), ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

~~(RESOLUTION)~~

YES

NO

Samuel J. Talarico

SAMUEL J. TALARICO
CHAIRMAN

[Signature]

JANET G. BRADBURY
VICE CHAIRPERSON

[Signature]

PAUL M. BURNS

JAMES S. STIER

Charles B. Redd

CHARLES B. REDD

CONCURRED IN 62387

SANDRA E. KENNEDY
CITY CLERK